

HOUSE BILL No. 1801

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-103; IC 34-6-2-138.5; IC 34-30-19-5.

Synopsis: Tort claims for hazardous activities. Provides that public and private owners and operators of skate parks or recreation areas are immune from civil damages for injuries caused by skating, if: (1) the owner or operator requires that each user of the park or recreation area wear a helmet, elbow pads, and knee pads; (2) the facility is designed or maintained for the purpose of recreational skating use; and (3) the facility is not supervised by the person on a regular basis.

Effective: July 1, 1999.

Ripley

January 26, 1999, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1801

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-103 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 103. (a) "Person", for
3 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

4 (b) "Person", for purposes of IC 34-19-2, has the meaning set forth
5 in IC 35-41-1.

6 (c) "Person", for purposes of IC 34-24-4, means:

7 (1) an individual;

8 (2) a governmental entity;

9 (3) a corporation;

10 (4) a firm;

11 (5) a trust;

12 (6) a partnership; or

13 (7) an incorporated or unincorporated association that exists
14 under or is authorized by the laws of this state, another state, or a
15 foreign country.

16 (d) "Person", for purposes of IC 34-26-2, includes individuals at
17 least eighteen (18) years of age and emancipated minors.

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(e) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(f) "Person", for purposes of IC 34-30-5 **and IC 34-30-19-5**, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(g) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(h) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(i) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

SECTION 2. IC 34-6-2-138.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 138.5. "Skate park or recreation area", for purposes of IC 34-30-19-5, means an area open to the public that can be used for the operation of a skateboard, roller skates, or inline skates. However, the term does not include a roller skating rink under IC 34-31-6.**

SECTION 3. IC 34-30-19-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 1999]: Sec. 5. A person (as defined in IC 34-6-2-103(f)) is not
2 liable for civil damages proximately caused by the operation of a
3 skateboard, roller skates, or inline skates at a skate park or
4 recreation area owned or operated by the person if:
5 (1) the person requires that each user of the skate park or
6 recreation area wear a helmet, elbow pads, and knee pads;
7 (2) the skate park or recreation area is designed or
8 maintained for the purpose of recreational skating use; and
9 (3) the skate park or recreation area is not supervised by the
10 person on a regular basis.

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